

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GENARO MORALES,

Plaintiff,

-against-

MICHAEL R. EDELMAN a/k/a "THE
CONSULTANT", individually, Phillip Amicone,
individually and in his capacity as Mayor of the
City of Yonkers, New York, EDMUND
HARTNETT, individually, and as Police
Commissioner of the City of Yonkers, New York,
JOHN FLEMING a/k/a "MOB BUSTER",
individually and in his capacity as Executive
Assistant to the Mayor of the City of Yonkers,
New York, LAWRENCE PORCARI a/k/a
"ETHAN EDWARDS", individually and in his
capacity as Assistant Corporation Counsel for the
City of Yonkers, New York, and the CITY OF
YONKERS, New York,

Defendants.

Case No. 08 Civ. 5756

**NOTICE OF MOTION
TO DISMISS**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Brian T. Belowich dated August 12, 2008 and the accompanying Memorandum of Law, Defendants Philip Amicone, Edmund Hartnett, John Fleming, Lawrence Porcari and the City of Yonkers (collectively, "Defendants"), by their attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, will move this Court at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, on September 5, 2008 at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order: (i) granting Defendants' motion to dismiss the Complaint herein pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure; and (ii) granting to Defendants such other and further relief as this Court deems just and proper.

Dated: White Plains, New York
August 12, 2008

DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP

By:



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